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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/750,641	12/16/1996	KOJI SATO	77792/23	4304
23838	7590	06/15/2010	EXAMINER	
KENYON & KENYON LLP			NGUYEN, CUONG H	
1500 K STREET N.W.				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			3661	
			MAIL DATE	DELIVERY MODE
			06/15/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	08/750,641	SATO ET AL.	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2010 (an IDS).
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 May 2010 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
6) <input type="checkbox"/> Other: _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |

1. This Office Action is an answer to an RCE filed on 5/27/2010.
2. Claims 1-10 are pending.

Foreign Priority

3. Applicants claim a Japanese priority of 12/01/1994 (document # HEI 6/298290).

Information Disclosure Statement

4. An IDS filed on 5/27/2010 is considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. As to claim 6: This claim is directed to a physical structure (i.e., a system); however, there is no further component limitation as required except unclear steps such as “terminal device disconnects...”, “reconnect...communication line after completing ...to receive ...”: these further features are not structural limitations of this system claim.

B. As to claim 10: This claim is directed to a physical structure (i.e., a system); however, there is no further component limitation as required except unclear steps such as “schedule-preparing means evaluates the influence...”, and “...prepares a schedule based on evaluation results.”

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These pending claims lack the necessary physical articles or objects to constitute a machine, or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a "chronological" series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. They are, at best, functional descriptive material per se – all limitations "means for" plus function (as in pending claim 1) could be interpreted as computer-readable instructions executed by a processor (i.e., means for inputting/retrieving/filling-in, means for preparing/making a form, and means for accessing/connecting a database to retrieve related information); therefore, these claims lack a physical structure (i.e., a medium: the material on which data are recorded, such as plain paper, paper tapes, punched cards, magnetic tapes, magnetic disks, or optical disks) to store these computer-readable instructions (as a concrete requirement).

Pending claim 1 is a claim to software, program, instructions, code or a "data structure" without any recitation of a *proper* computer readable medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have

been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garback (US Pat 5,237,499).

A. As to claims 1-2: Garback suggests a schedule-set-up management system (see Garback, Fig. 1), comprising:

- inputting means for entering at least destination information and desired arrival time information (such as an “importing”/“retrieving”/inputting act, see Garback, Fig.1, ref. 24);
- frame-preparing means for preparing a basic frame (e.g., an available/stored electronic form from a computer memory) of a schedule including types of intermediate and final locations (see Garback, Fig.3, ref. 71, and Fig. 4); and a transfer order (e.g., “each leg”), and
- schedule-preparing means for accessing a database to search/retrieve specific facilities fitting (e.g., “hits” in searching) said basic frame; thereby preparing a schedule in which intermediate and final locations are specified (see Garback, Fig.2A, refs. 47-48, Fig. 3 refs. 76-77).

Garback does not explicitly disclose “indicating a chronological sequence of events in said basic frame based on said destination information and desired arrival time information”.

However, this is a logic feature that only needs a reasonable presentation/placing extra information within a logic order according a time/date of processing an event.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Garback’s disclosure with additional information, because many trips require a reasonable transfer (e.g., not a direct flight); this reasonable information in a trip would

give a proper preparation for a traveler (such as a time, and place for transferring), and also this is a good announcement from a trip organizer to avoid any different information (of a flight) to its travelers.

B. As to claim 3: It is submitted that, a client-server structure connecting via a medium was available for a host, and a terminal configuration (e.g., using a terminal among many computer terminals in a university library to check on an available book title).

C. As to claim 4: Garback also suggests a schedule-set-up management system (see Garback, Fig. 1), comprising:

- a terminal device has a display means for displaying: a touch switch (i.e., a keypad) for entering said destination information and desired arrival time information; said prepared basic frame; and said transmitted schedule (see Garback, Fig.1, refs. 24, 26; and Fig. 3 refs. 71,74-79).

D. As to claim 5: Garback also suggests a schedule-set-up management system (see Garback, Fig. 1).

Garback does not explicitly disclose a route-searching means for searching an optimum route for carrying out said schedule using map data.

However, equivalent tool(s) to perform that searching is suggested by Garback, (see Garback, Fig. 2A refs. 48-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Garback to explicitly disclose a route-searching means for searching an optimum route for carrying out said schedule using map data because Garback's system also using a computer system to quickly and accurately generate available flights for different destinations as shown in Figs. 3-4.

E. As to claims 7-8: It is submitted that, in computer world, “*a watch center for watching the implementation of said schedule*” could be “a server” where computer activities are regularly monitored and updated (such as a conversation is monitored on a telephone line for ~~any~~ change/update), wherein said schedule-preparing means re-prepares a schedule based on these updated information from said watching center (e.g., a storm from a flight’s destination, or a small change from a planned destination to a different destination for an unpredicted event) .

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Garback’s disclosure with additional update/change information, because a trip may require a reasonable transfer to accommodate a sudden change from available aircraft(s)/destination airports.

F. As to claim 9: It is submitted that, obtaining weather information especially for outdoor activities are necessary; further, weather information (such as wind directions, outdoor temperature, rain, storm, cloudy skies .etc) have been critical to flights, and travel trips of a passenger; therefore, adding this available information from another source would have been very helpful for a trip.

Conclusion

8. Claims 1-10 are rejected.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s

supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CUONG NGUYEN/
Primary Examiner
Art Unit 3661